

FILED

OCT 10 2007

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

PATRICK L. SHORTY,

Plaintiff - Appellant,

v.

MUNICIPALITY OF ANCHORAGE; et
al.,

Defendants - Appellees.

No. 07-35741

D.C. No. CV-05-00237-TMB

District of Alaska,
Anchorage

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ORDER

CLERK, U.S. DISTRICT COURT
ANCHORAGE, ALASKA

Before: B. FLETCHER, BERZON and IKUTA, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the notice of appeal was not timely filed and the orders challenged in the appeal are not final or appealable. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *see also* 28 U.S.C. § 1291; *Silberkleit v. Kantrowitz*, 713 F.2d 433, 434 (9th Cir. 1983) (denial of a stay of proceedings is not generally a final decision appealable under § 1291); *see also Branson v. City of Los Angeles*, 912 F.2d 334 (9th Cir. 1990) (denial of reconsideration of non-

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appealable order is itself not appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

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